

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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|-------------------------------------|---|-----------------------|
| In the Matter of |) | |
| |) | |
| CenturyLink Communications, LLC and |) | |
| Level 3 Communications, LLC, |) | |
| |) | |
| <i>Complainants,</i> |) | Docket No. 18-73 |
| |) | File No. EB-18-MD-002 |
| v. |) | |
| |) | |
| Birch Communications, Inc., |) | |
| |) | |
| <i>Defendant.</i> |) | |
| _____ |) | |

JOINT MOTION TO HOLD PROCEEDING IN ABEYANCE

Pursuant to Section 1.727 of the Commission’s rules, 47 C.F.R. § 1.727, Complainants CenturyLink Communications, LLC and Level 3 Communications, LLC (collectively, “CenturyLink”) and Defendant Birch Communications, LLC (“Birch”)¹ (CenturyLink and Birch collectively, the “Parties”) respectfully submit this Joint Motion to Hold Proceeding in Abeyance.

On March 23, 2018, CenturyLink filed a formal complaint against Birch pursuant to Section 208 of the Communications Act of 1934, as amended, 47 U.S.C. § 208. On April 23, 2018, Birch filed an answer to the formal complaint, and on May 7, 2018, CenturyLink filed a reply. Pursuant to 47 U.S.C. § 208(b)(1), the Commission is required to issue an order concluding its review of the formal complaint within five (5) months after the date on which the formal complaint was filed.

¹ Effective December 30, 2017, Birch converted from a corporation to a limited liability company in its home state of Georgia, and is now known as “Birch Communications, LLC.”

The Parties have reached a voluntary settlement of their disputes and have executed mutual releases in connection with their settlement (the “Settlement”). Upon fulfillment of the terms of the Settlement, it will become fully and finally effective ninety (90) calendar days from June 18, 2018.

As a result, the Parties have agreed that this proceeding should be held in abeyance until the terms are satisfied. The Parties have agreed to file joint motions to dismiss the formal complaint filed by CenturyLink and the federal district court action filed by Birch with prejudice and without costs or attorneys’ fees upon the Settlement becoming fully and finally effective.

Grant of this Joint Motion would serve the public interest by promoting the private resolution of disputes, and would eliminate the need for further expenditure of time and resources by the Parties and the Commission.

Accordingly, the Parties respectfully request that the Commission grant their Joint Motion and hold this proceeding in abeyance pending the Parties filing a joint motion to dismiss after the Settlement becomes fully and finally effective.

**CENTURYLINK COMMUNICATIONS,
LLC ON ITS OWN BEHALF
AND ON BEHALF OF LEVEL 3
COMMUNICATIONS, LLC**

/s/ Charles W. Steese

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*Attorneys for Complainants CenturyLink
Communications, LLC and Level 3
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Dated: June 19, 2018

Respectfully submitted,

**BIRCH COMMUNICATIONS, LLC
(formerly known as Birch
Communications, Inc.)**

/s/ Chérie R. Kiser

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